

REMARKS

Examination and consideration of the amendments submitted herein are respectfully requested in accordance with 37 CFR § 1.115.

Concerning Amendments to the Claims

Claims 17-28 remain in this application, and were previously presented by amendment on July 22, 2006. Claims 1-16 have been canceled as the result of earlier arguments presented by the Examiner.

During a telephonic interview on 08-JUN-2006, the Examiner kindly suggested that all the claims submitted were still not distinguishing the invention over prior art, perhaps due to the broadness of the independent claims that only acknowledged a cup (70) comprising "a magnet (72) applied to a check (22)".

However, the changes of the previously presented claims 17-28 better define the invention by realizing the second required independent element, "projected surfaces (74) contiguous to the trigger (38) of the check (22)".

The Examiner will kindly refer to Exhibit 1 submitted on July 22, 2006 to see a photograph of the actual cup (70).

The previously presented amended claims 17-28 rely entirely on the original disclosure filed March 9, 2004, and on the substitute specification also submitted on July 22, 2006. These previously presented amended claims combine embodiments of the original specification, drawings, and declarations as set forth below:

Claim 17 is an independent apparatus claim that substitutes for

original claim 1 and claim 5.

Claim 18 is a dependent claim that substitutes for claim 6.

Claim 19 is a dependent claim that substitutes for claim 7.

Claim 20 is an independent method claim that substitutes for the original claim 2 and claim 8.

Claim 21 is a dependent claim that substitutes for claim 9.

Claim 22 is a dependent claim that substitutes for claim 10.

Claim 23 is an independent method claim that substitutes for the original claim 3 and claim 11.

Claim 24 is a dependent claim that substitutes for claim 12.

Claim 25 is a dependent claim that substitutes for claim 13.

Claim 26 is an independent method claim that substitutes for the original claim 4 and claim 14.

Claim 27 is a dependent claim that substitutes for claim 15.

Claim 28 is a dependent claim that substitutes for claim 16.

Concerning Amendment of the Disclosure per 37 CFR §1.118

No amendment submitted herein has introduced new matter into the disclosures of the original application filed on March 9, 2004. All

amendments absolutely conform to the original disclosures.

Request for Constructive Assistance per MPEP 707.07 (j)

The Applicant has attempted to prepare these amendments as proper and definitive towards defining the novel structure which is also not obvious. The Applicant is unfamiliar with the Revised Amendment Practice of 37 CFR §1.121, particularly not certain on the proper presentation of the previously presented claims 17-28.

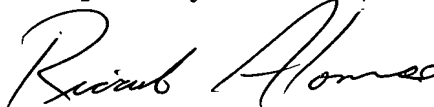
A telephonic interview with the Examiner on or about November 1, 2006 concerning the Office Action of October 13, 2006, respectfully did not render entire answers concerning the correct presentation of the claims.

If for any reason the Examiner determines that this application is not yet in condition for allowance, the Applicant respectfully requests his constructive assistance and suggestions.

CONCLUSION

Respectfully, the Examiner will therefore determine that the above disclosures are sufficiently evident for the invention as set forth in the application herein. Allowance for the claims as submitted at an early date is requested.

Respectfully submitted,



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